

Attorney's Docket: 2002DE130
Serial No.: 10/656,313
Group: 1713

REMARKS

The Office Action mailed June 20, 2008, has been carefully considered together with each of the references cited therein. The amendment and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-5, 21-23 and 40-42 are pending in this Application. By this Amendment, claim 1 has been amended, while claims 2, 23 and 42 have been cancelled.

Claim Rejections Under 35 USC § 103

Claims 1, 23 and 42 stand rejected under 35 USC § 103(a) as being unpatentable over Weil et al. (US Pat. 5,578,666) in view of Clignet (US 6,475,972). This rejection is respectfully overcome.

The Office will kindly note that a portion of the subject matter of claim 2, namely, the definition for the organophosphorus flame-retardant component as being a phosphinic salt of the formula (I) has been added to independent claim 1. In view thereof, it is respectfully contended that claims 1, 23 and 42 are not made obvious by any combination of Weil et al. in view of Clignet.

Claims 2-5 stand rejected under 35 USC § 103(a) as being unpatentable over Weil et al. (US Pat. 5,578,666) in view of Clignet (US Pat. 6,475,972) as applied to claim 1 above, and further in view of Jenewein et al. (US Pat. 6,365,071). This rejection is respectfully overcome.

In justifying its rejection, the Office states:

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Jenewein et al. teach a flame retardant combination comprising phosphinic salts which meet the requirements of instant claims 2-5. .
Jenewein et al. disclose that the invented flame retardant combination is used for thermoplastic polymers (Abstract).

In the amendment to independent claim 1, the Office will kindly note that the subject matter previously present in now cancelled claim 2 referring to polymers of the phosphinic salt of formula 1 is no longer recited in the claim. As Weil and Jenewein are directed to polymers, it is respectfully contended, given the amendment to claim 1, that claims 2-5 can no longer be made obvious by any combination of Weil et al. in view of Clignet and further in view of Jenewein et al.

Claims 21, 22, 40 and 41 stand rejected under 35 USC § 103(a) as being unpatentable over Weil et al. (US Pat. 5,578,666) in view of Clignet (US Pat. 6,475,972) as applied to claim 1 above, and further in view of Gareiss et al. (US Pat. 6,084,012). This rejection is respectfully overcome.


All the above referenced claims depend directly from independent claim 1. For at least the reasons expressed with respect to the rejection of independent claim 1 over Weil et al. in view of Clignet, it is respectfully contended that claims 21, 22, 40 and 41 can not be made obvious by any combination of Weil et al. in view of Clignet and further in view of Gareiss et al.

In view of the foregoing, it is respectfully contended that the 35 USC § 103(a) rejections have been overcome. In consequence, Applicants courteously solicit reconsideration and withdrawal of the rejections.

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In view of the forgoing amendment and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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